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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|--|-------------|----------------------|-----------------------------|------------------------|
| 09/706,501   | 11/02/2000  | Oleg Rashkovskiy     | ITL.0778US (P10142)         | 8091                   |
| 21906 7590 01/12/2009<br>TROP, PRUNER & HU, P.C.<br>1616 S. VOSS ROAD, SUITE 750<br>HOUSTON, TX 77057-2631 |             |                      | EXAMINER<br>SHERKAT, AREZOO |                        |
|  |             |                      | ART UNIT<br>2431            | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>01/12/2009     | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 09706501                        | 11/2/00     | RASHKOVSKIY ET AL.                                | ITL.0778US (P10142) |

TROP, PRUNER & HU, P.C.  
1616 S. VOSS ROAD, SUITE 750  
HOUSTON, TX 77057-2631

**EXAMINER**

AREZOO SHERKAT

| ART UNIT | PAPER    |
|----------|----------|
| 2431     | 20090106 |

DATE MAILED:

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**Commissioner for Patents**

The withdrawal of the appeal as to claims 1-8, 10-28, 79-81 and 91-96 operates as an authorization to cancel these claims from the application or reexamination proceeding. See MPEP § 1215.03. Accordingly, these claims are canceled.

Appellant is required to re-write claim 9 in independent form by submitting a new index of claims for the Appeal Brief before application can be presented to the Board of Patent Appeals and Interferences for consideration of the appealed claim.

Applicant is given TWO MONTH or SIXTY DAYS, whichever is longer, from the mailing date of this communication to correct the deficiency(ies). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

/Gilberto Barron Jr/  
Supervisory Patent Examiner, Art Unit 2432

/Arezoo Sherkat/  
Patent Examiner, AU 2431